IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.227 OF 2006
IN
NOTICE OF MOTION NO.648 OF 2006
IN
SUIT NO.1989 OF 1995

Sanjeev @ Sanjay S.Grover ....Appellant
V/s.
Vertex Trading Co. & Anr. ....Respondents

Mr.T.N. Subramaniam, Senior Counsel i/b Markand Gandhi & Co. for the Appellant.

Mr.Simil Purohit i/b Bhaishankar Kanga & Girdharilal for the Respondents.

CORAM : DR.S. RADHAKRISHNAN & S.J. VAZIFDAR, JJ.
DATED : 3RD MAY, 2006.

P.C. :

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondents.

2. The Appeal is admitted. The learned counsel for the Respondents waives service. By consent the Appeal is taken up for final hearing.

3. By this Appeal, the Appellant is challenging the order dated 2.3.2006 whereby the learned single declined to grant any ad-interim relief. After hearing some the parties for some time, especially in view of

the fact that the Respondents have already withdrawn the proceedings before the Hon'ble Supreme Court and prima-facie the Respondents do not appear to have any right to continue to stay in the suit premises, the Appellant is entitled to the relief for appointment of the Court Receiver with regard to the aforesaid premises.

4. The only ground on which the learned single Judge by an order dated 7.10.2005 had declined to grant any relief to the Appellant was on the ground that the Civil Appeal was pending before the Hon'ble Supreme Court on that date, which in fact admittedly has been withdrawn unconditionally.

5. In the aforesaid facts and circumstances of the case, we appoint the Court Receiver, High Court, Bombay with regard to the suit premises i.e. Unit No.14, Ground Floor, Ashish Co-Operative Industrial Estate Ltd. Gokhale Road, (South Dadar), Mumbai-400 025 with all powers under Order XL Rule 1 of the Code of Civil Procedure. The Court Receiver shall appoint the Respondent as his agent in the first place and also fix the royalty and obtain an agency agreement and the Respondent shall sign the agency agreement within a period of two months from today.

6. In the event of the Respondent not signing the agency agreement or paying the royalty, the Court Receiver shall take back the possession of the suit premises from the Respondent and appoint the Appellant as his agent without any security or royalty, as the Appellant is the owner of the suit premises.

7. The Appeal stands disposed of accordingly.

(DR.S. RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)